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**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

ABRAHAM FOROUZAN,

Plaintiff,

vs.

BMW OF NORTH AMERICA, LLC,
et al.,

Defendants.

CASE NO.: 2:17-cv-3875-DMG-GJS

[Assigned to the Hon. Dolly M. Gee]

**DECLARATION OF ROWENA
SANTOS RE: ORDER TO SHOW
CAUSE WHY SANCTIONS SHOULD
NOT BE IMPOSED FOR
COUNSEL'S LATE FILING OF
PROPOSED JURY INSTRUCTIONS**

—
Trial: September 25, 2018, 8:30 a.m.

1 I, Rowena Santos, declare:

2 1. I am an attorney admitted to the Bar of the State of California and the
3 United States District Court, Central District of California. I am an attorney at
4 Strategic Legal Practices, APC, and counsel of record for Plaintiff ABRAHAM
5 FOROUZAN in the above-captioned matter. I am a member in good standing with
6 the State Bar of California. My knowledge of the information and events
7 described herein derives from my personal knowledge, a careful review of the file,
8 relevant court records and communications with other Plaintiff's counsel, and if
9 called as a witness, I could and would competently testify thereto.

10 2. I submit this declaration in response to the Court's order to show
11 cause why sanctions should not be imposed for counsel's late filing of proposed
12 jury instructions.

13 3. As a preliminary matter, I offer my sincere apologies to the Court and
14 court staff for any inconvenience caused by the filing of Plaintiff's Proposed
15 Revised Jury Instructions. As set forth below, it was not my intention to cause any
16 difficulties for the Court, but only to bring the jury instructions more into
17 compliance with the Court's Scheduling Order.

18 4. In preparation for the upcoming trial, I reviewed all of the trial-related
19 documents previously filed with the Court in May 2018. During the course of my
20 review, I became aware that the Joint Statement of Jury Instructions and Disputed
21 Instructions (Dkt. 53) previously submitted jointly by my colleague and counsel
22 for Defendant were not fully compliant with the Court's Scheduling Order. Dkt.
23 15. Specifically, section VI. B. 3-4 requires that the parties file a JOINT set of jury
24 instructions on which there is agreement, with each party separately filing its
25 proposed disputed jury instructions with full statements of law including citations
26 and authorities on all disputed instructions.

27 5. We attempted to meet and confer with opposing counsel on
28 September 13 and 19 to jointly correct the deficiencies. Counsel for the Defendant

1 declined to meet and confer to amend the Jury Instructions and advised that
2 Plaintiff should take whatever actions it deems appropriate. It should be noted that
3 counsel for the parties are currently meeting and conferring with the intention of
4 filing a joint amended exhibit list, and each of the parties has filed an amended
5 special verdict form within the last 10 days.

6 6. Accordingly, in order to comply with the Court's order, I added legal
7 authority to Plaintiff's Statements in Support of Instruction Nos. 1-5, 7, 10, 13-17,
8 and Ninth Circuit Model Jury Instruction No. 2.4. I also added full statements in
9 opposition and legal authority to Plaintiff's Statements in Opposition to
10 Defendant's Proposed Instruction Nos. 1-5, 7, 10, 27-31, and Ninth Circuit Model
11 Jury Instruction No. 1.7. I made minor additional revisions to reflect Plaintiff's
12 withdrawal of Jury Instruction No. 6, which was previously jointly offered, and to
13 add CACI 3203.

14 7. In light of our inadvertence, I thought it prudent to immediately take
15 action to comply with the Court's order in the best manner possible. Again, I
16 apologize for making what I believed to be fairly minimal substantive changes in
17 efforts to comply with the Court's Order.

18
19 I declare under penalty of perjury under the laws of the United States of
20 America that the foregoing is true and correct.

21
22 Executed on September 20, 2018, at Los Angeles, California.

23
24 /s/ Rowena Santos
25 Rowena Santos
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2018, I filed the foregoing document entitled DECLARATION OF ROWENA SANTOS RE: ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED FOR COUNSEL'S LATE FILING OF PROPOSED JURY INSTRUCTIONS with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ Rowena Santos

Rowena Santos